

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DONALD F. BENOIT, Derivatively on
Behalf of MBNA CORP. and on Behalf of
Himself and All Others Similarly Situation,

Plaintiff,

vs.

BRUCE L. HAMMONDS, *et al.*

Defendants,

--and--

BANK OF AMERICA CORPORATION, a
Delaware Corporation, AS SUCCESSOR IN
INTEREST TO MBNA CORP., and MBNA
CORP., a Maryland Corporation,

Nominal Defendants.

LEMON BAY PARTNERS, and
MALCOLM ROSENWALD,

Plaintiff,

--against--

BRUCE L. HAMMONDS, *et al.*

Defendants,

--and--

BANK OF AMERICA CORPORATION, AS
SUCCESSOR IN INTEREST TO MBNA
CORP., and MBNA CORP.,

Nominal Defendants.

Civ. No. 07-CV-561 (GMS)

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PLAINTIFFS' MOTION TO VACATE THE DISCOVERY STAY

Plaintiffs Donald Benoit, Lemon Bay Partners and Malcolm Rosenwald hereby move this Court for an Order to vacate the stay of discovery. The grounds for Plaintiffs' Motion are set fourth in the Memorandum of Law in Support of the Motion to Vacate the Discovery Stay, which is being filed concurrently herewith.

Dated: January 21, 2008

Respectfully submitted,

CHIMICLES & TIKELLIS, LLP

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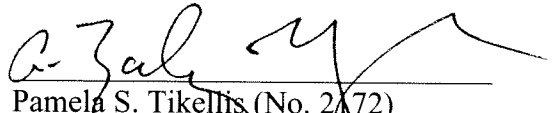
*Plaintiff's Proposed Co-Lead
Counsel*

RULE 7.1.1 CERTIFICATE

I hereby certify that the subject of Plaintiffs' Motion to Vacate the Discovery Stay has been raised by Plaintiffs' co-lead counsel, Laurence Paskowitz, Esquire, of Paskowitz & Associates, with counsel for all Defendants. All Defendants counsel advised that their clients would not agree to a lifting of the stay of discovery.

Dated: January 21, 2008

CHIMICLES & TIKELLIS LLP


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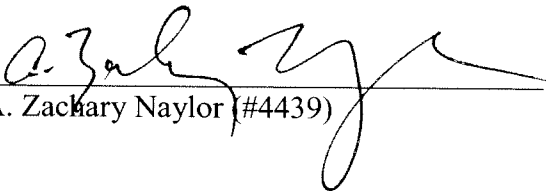
CERTIFICATE OF SERVICE

I, A. Zachary Naylor, do hereby certify that on this 21st day of January, 2008, I caused copies of Plaintiffs' Motion to Vacate the Discovery Stay and Memorandum of Law in Support of the Motion to Vacate the Discovery Stay to be served on the following counsel in the manner indicated:

BY HAND DELIVERY

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